

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

AMERSHAM PLC, *et al.*,

Defendants.

No. 02 Civ. 8448 (RJS)
ORDER

ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

MOLECULAR PROBES, INC., *et al.*,

Defendants.

No. 03 Civ. 3816 (RJS)
ORDER

ENZO BIOCHEM, INC., *et al.*,

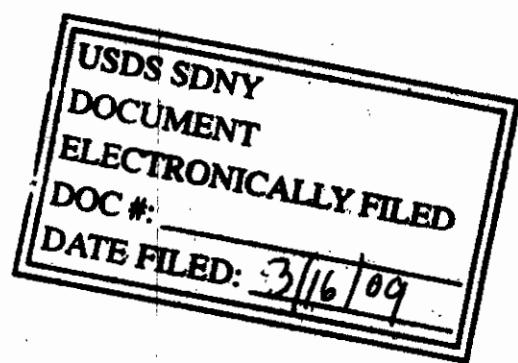
Plaintiffs,

-v-

PERKINELMER, INC., *et al.*,

Defendants.

No. 03 Civ. 3817 (RJS)
ORDER



ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

ORCHID BIOSCIENCES, INC.,

Defendant.

No. 03 Civ. 3819 (RJS)
ORDER

AFFYMETRIX, INC.,

Plaintiff,

-v-

ENZO BIOCHEM, INC., *et al.*,

Defendants.

No. 03 Civ. 8907 (RJS)
ORDER

ENZO LIFE SCIENCES, INC.,

Plaintiff,

-v-

No. 04 Civ. 1555 (RJS)
ORDER

AFFYMETRIX, INC.,

Defendant.

ROCHE DIAGNOSTICS GMBH,

Plaintiff,

-v-

No. 04 Civ. 4046 (RJS)
ORDER

ENZO BIOCHEM, INC., *et al.*,

Defendants.

RICHARD J. SULLIVAN, District Judge:

On or about January 3, 2007, Defendants in the above-captioned, related actions submitted a joint Motion for Summary Judgment, as well as individual Motions for Summary Judgment in their

respective actions. Thereafter, on May 15, 2007, Plaintiffs submitted their Responses to Defendants' Motions, which were in turn followed by Defendants' Replies to Plaintiffs' Responses, dated June 15, 2007. Counsel for all Parties appeared before the Court for Oral Argument on Defendants' Motions for Summary Judgment on July 17 and 18, 2007.

On or about January 8, 2009, the above-captioned matters were reassigned to my docket from that of the late Honorable John E. Sprizzo, United States District Judge. At that time, Defendants' Motions for Summary Judgment were still pending. On or about February 3, 2009, counsel for all parties submitted a joint status letter regarding recent developments in the above-captioned matters. At the Court's direction, counsel for all parties appeared for a Pre-Trial Conference on March 13, 2009.

For the reasons stated on the record at the March 13, 2009 Conference, IT IS HEREBY ORDERED that Defendants' Motions for Summary Judgment (Docket Nos. 157, 162, and 167 in Case No. 02 Civ. 8448; Docket No. 23 in Case No. 03 Civ. 3817; Docket Nos. 20 and 29 in Case No. 03 Civ. 8907; Docket No. 23 in Case No. 04 Civ. 4046; and the pending motions dated 1/04/07 in Case No. 04 Civ. 1555) shall be and hereby are DENIED without prejudice.

IT IS FURTHER ORDERED that these actions shall be and hereby are stayed until the Federal Circuit decides Plaintiff Enzo Biochem's appeal of the District of Connecticut's judgment in Enzo Biochem v. Applera Corp. and Tropix, Inc., No. 04 Civ. 929 (the "Pending Appeal").

IT IS FURTHER ORDERED that the Court shall reserve decision regarding whether to consolidate the above-captioned actions for purposes of trial until after the Federal Circuit decides the Pending Appeal.

IT IS FURTHER ORDERED that the Parties shall jointly submit a status report, not to exceed five (5) pages, every six months from the date of this Order or within ten days of any decision of the Federal Circuit with respect to the Pending Appeal.

The Clerk of the Court is respectfully directed to terminate the motions listed as Docket Nos. 157, 162, and 167 in Case No. 02 Civ. 8448; Docket No. 23 in Case No. 03 Civ. 3817; Docket Nos. 20 and 29 in Case No. 03 Civ. 8907; Docket No. 23 in Case No. 04 Civ. 4046; and the two pending motions dated 1/04/07 in Case No. 04 Civ. 1555.

SO ORDERED.

DATED: March 13, 2009
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE